

STAFF REPORT



Meeting: December 15, 2014

To: Planning Commission

From: Patrick B. Howard, AICP
Director

Through: Rebeca A. Guerra, AICP, LEED-AP, CPD
Planning Manager

Presenter: Santiago Abasolo, AICP
Senior Planner

Request: A request for approval of the Final Plat of Lakeside Gardens Addition and a Variance from Chapter 10, Section III.A.2. to allow for the property owners of the Final Plat of the Lakeside Gardens Addition to provide for a 23.5-foot paving width in lieu of the required 32 feet for arterial street Humble Road

Location: An unaddressed tract generally located at the southwest corner of North Bryan Boulevard and Humble Road.

Legal Description: 17.333 acres being all of Lots 1, 2, 3, 4, 5, 26, 27, 28, & 29 that part of Lots 4, 24, 25, 30, & 31 and that part of Crest Street east of the land acquired by the State of Texas et al in condemnation suite described in judgment recorded in Volume 501, Page 225, Deed Records of Tom Green County, Texas and in Block 1, Lakeside Gardens City of San Angelo, Tom Green County, Texas according to the map and/or plat

recorded in Volume 1, Page 303, Plat Records of
Tom Green County, Texas

Size: 17.333 acres

General Information

Future Land Use: Commercial

Zoning: Single-Family Residential (RS-1)
and
General Commercial (CG)

Existing Land Use: Single-family residence & Vacant
land

Surrounding Zoning / Land Use:

North:	Light Manufacturing (ML) Ranch and Estate (R&E)	Knights of Columbus Single family dwellings
West:	Light Manufacturing (ML)	Construction storage equipment, Riverside Hills Golf Club
South:	General Commercial (CG)	Vacant commercial land
East:	Single-Family Residential (RS-1)	Single family dwellings on large lots

District: CMD#2 – Marty Self

Neighborhood: Riverside Neighborhood

Thoroughfares/Streets: Per the Master Thoroughfare
Plan (MTP), North Bryant
Boulevard and Humble Road
are identified as a Minor Arterial
street. An arterial street
connects collector streets to
freeways and other arterials
carrying large volumes of traffic
at high speeds, access is
secondary and mobility is the

primary function of these streets. The MTP requires Humble Road to have a minimum paving width of 64 feet and a minimum right-of-way width of 80 feet.

Recommendation:

The Planning Division recommends **APPROVAL** of this Final Plat request **subject to the eight (8) Conditions of Approval** listed below and **DENIAL** of the Variance request.

Background:

An application for a Final Plat was submitted to the Planning Division on November 19, 2014. It is the applicant's intent to resubdivide the property into three (3) tracts. The three tracts are proposed to be developed as commercial uses. At the November 17, 2014 Planning Commission meeting, an application for rezoning of an undeveloped 1.469 acre parcel from Single-Family Residential (RS-1) to General Commercial (CG) was denied. At the same Planning Commission meeting, an application for the abandonment of a 50' – 649.14' x 653.17' known as Crest Street was also denied.

Utility improvements and extensions are also proposed. A 20-foot wide sewer utility easement is proposed for Lots 1, 2 and 3 and 15-foot wide street right-of-way dedication is proposed along Humble Road. However, the applicant is requesting a Variance in order to improve their portion (1/2) of Humble Road to 23.5 feet in lieu of the required 32 feet. The property owners on the other side of Humble Road would still be required to improve that street to 32 feet as mandated in the Subdivision Ordinance for an arterial street. This would mean that if this requested Variance were granted, and no other Variances were given for Humble Road, the overall paving width would be 55.5 feet in lieu of 64 feet. The applicant has indicated that there are existing AEP power lines on their property along Humble Road which would need to be moved in order to pave their portion of this street. Moving these lines would be, in the applicant's opinion, too cost prohibitive.

Analysis:

SECTION IV of the Land Development and Subdivision Ordinance requires that the Planning Commission consider, at minimum, four (4) factors in determining the appropriateness of any subdivision request variance.

- 1. The granting of the variance will not be detrimental to the public safety, health or welfare, or be injurious to other property.**

Given the nature of this request, along with feedback from various City divisions and groups, staff recommends denial of the variance request. Identified as an arterial street in the City's Major Thoroughfare Plan, Humble Road has a paving width of only 26 feet, significantly less than the minimum pavement width for an arterial street. The City's Major Thoroughfare Plan requires that arterial streets must have a paving width of 64 feet and right-of-way of 80 feet. Whenever a subdivision plat request is made, the owner or "developer" is responsible for dedications and/or street improvements for existing streets. Chapter 9 Section III.A.5.(1) of the Subdivision Ordinance only requires the owner to dedicate or improve half of the total widths of the right-of-way and street.

- 2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.**

Strict enforcement of the Subdivision Ordinance's paving width requirements will not appear to create a hardship for the applicant. Since requests for rezoning to a commercial district and street right-of-way abandonment for Crest Street have been submitted it is expected that more traffic will use Humble Road. This is a requirement that applies to anyone requesting a platting or replatting, and is not unique to this property.

- 3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.**

Consultation with the City Engineer further confirms that such an expansion is feasible and prudent. The Manual on Uniform Traffic Control Devices or MUTCD, a set of standards used by engineers nationwide, generally stipulates that an improved approach is installed within the identified area to accommodate increases in the existing pavement width. Given the required width involved, an approved approach to allow for widening the street is feasible in this case. While none of the lots along Humble Street meet the paving requirements of the current Ordinance, each will be required to meet said standards once developers or owners seek to redevelop the area.

4. The variance will not, in any significant way, vary the provisions of applicable ordinances.

This variance request varies significantly from the provision outlined in the Ordinance. Improvements of the street are necessary to make navigating easier and provide sufficient passage of passing vehicular traffic along the street. Approving the variance of the paving requirement may result in a situation where the necessary improvements are never made to accommodate for future growth, undermining patterns whose result is logical and orderly development. The properties are intended to be rezoned to and used for commercial development which makes the need for improvements to Humble Road that much more necessary.

Proposed Conditions:

1. Provide the Planning Division staff with a copy of certification from the Tom Green County Appraisal District, indicating there are no delinquent taxes on the subject property of this subdivision.
2. Prepare and submit plans for required improvements to Humble Road by half the additional increment necessary to comprise the minimum paving width of 64 feet, in this case is, 32 feet. Once plans are approved, construct street to City specifications. Alternatively, submit a financial guarantee ensuring the completion of these improvements within an 18 month period.
3. A drainage study shall be submitted. A drainage study shall be submitted if the impervious area changes by 5%. If public improvements are deemed necessary by this study, submit construction plan and profile sheets for approval. Alternatively, the applicant may request in writing a drainage study deferment for platting purposes only. However, the study must be submitted prior to issuance of any permits.
4. Prepare and submit plans for approval, which illustrate the proposed installation of water mains, required service connections and fire hydrants and complete the installation in accordance with the approved version of these plans. If recording of this plat is desired before public improvements are complete, the applicant may submit suitable financial guarantees ensuring the timely completion of such improvements within a period of no more than 18 months.
5. Illustrate a widened sewer utility easement which extends to the eastern edge of proposed Lot 1 to ensure that access to sewer for existing Lots 1-3 to the east is maintained.
6. Obtain approval of the right-of-way abandonment for Crest Street, and include a reference to the recorded quit claim deed on the plat document.

Notes:

1. Since the site is over 1 acre, additional requirements for reporting are required by the TCEQ.
2. Provide the Engineering Services Division staff with written confirmation from TxDOT stating their approval and any conditions thereof, if drainage is planned to be directed to the right-of-way for North Bryant Boulevard.
3. Based upon the criteria outlined in the ordinance, the recommendation for the request from required street improvements would not be supported by the City Engineer. The street is shown as a minor arterial road on the City's Major Thoroughfare Plan.
4. Provide a plan identifying the erosion control measures to be used to meet Stormwater Pollution Prevention requirements, including grading/erosion control plans.
5. Install necessary water and wastewater service lines to each new lot.

Action Requested:

The action requested is for the Planning Commission to **APPROVE** the Final Plat of Lakeside Garden Addition, **subject to eight (8) Conditions of Approval** and **DENY** the Variance from Chapter 10, Section III.A.2. to allow for the property owners of the Final Plat of the Lakeside Gardens Addition to provide for a 23.5-foot paving width in lieu of the required 32 feet for arterial street Humble Road.

Attachments:

Aerial Map
Comprehensive Plan Map
Zoning Map
Major Thoroughfare Plan
Notification Map
Plat



Aerial

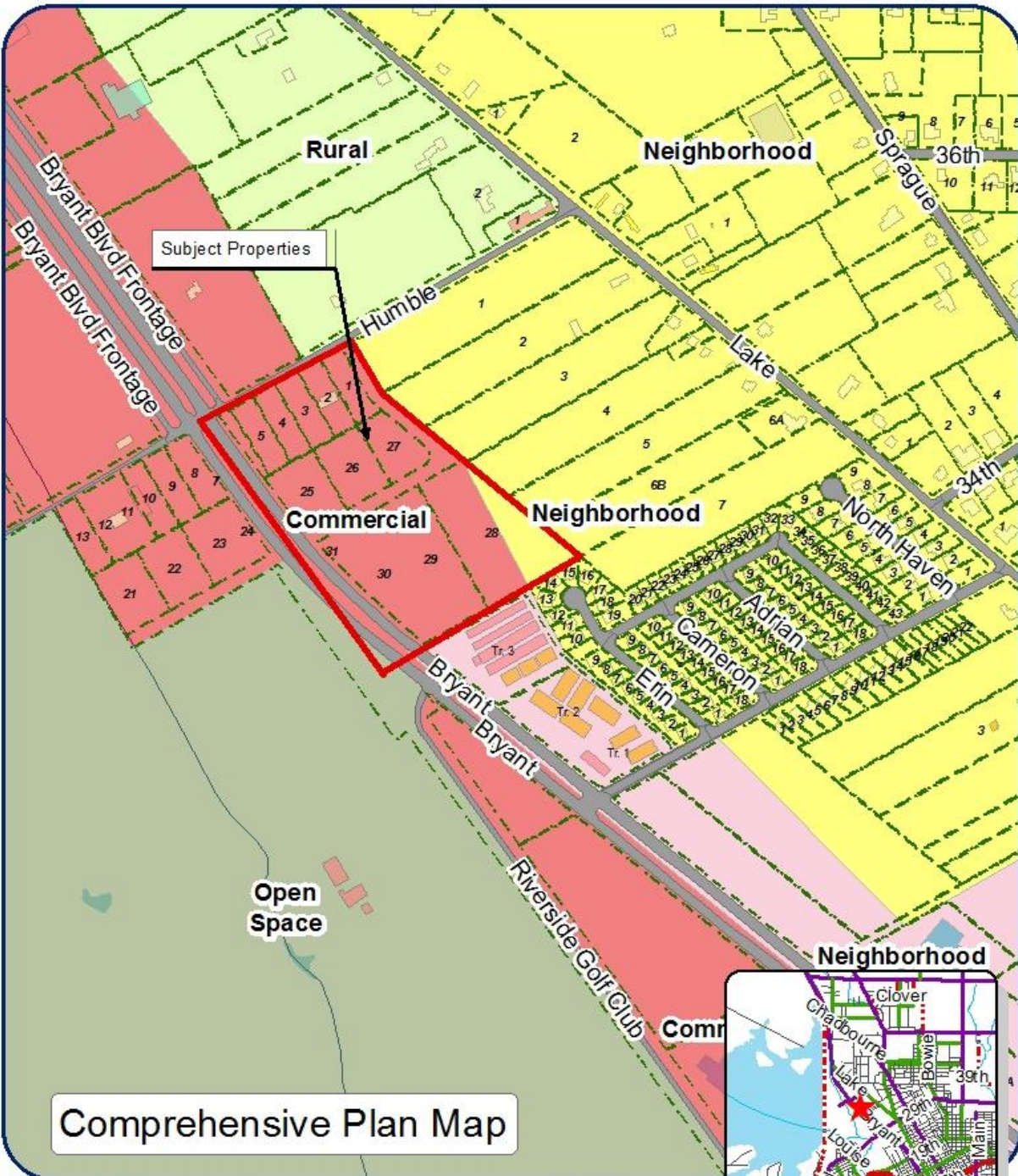
Subdivision Case File Lakeside Gardens

Council District: Marty Self
Neighborhood: Riverside
Scale: 1" approx. = 500 ft
Subject Property: SE Corner of Humble Road and N. Bryant Blvd. 17.333 acres

Legend

Subject Properties: —
Current Zoning: RS-1, CG
Requested Zoning Change: N/A
Vision: Commercial





Comprehensive Plan Map

Subdivision Case File

Lakeside Gardens

Council District: Marty Self

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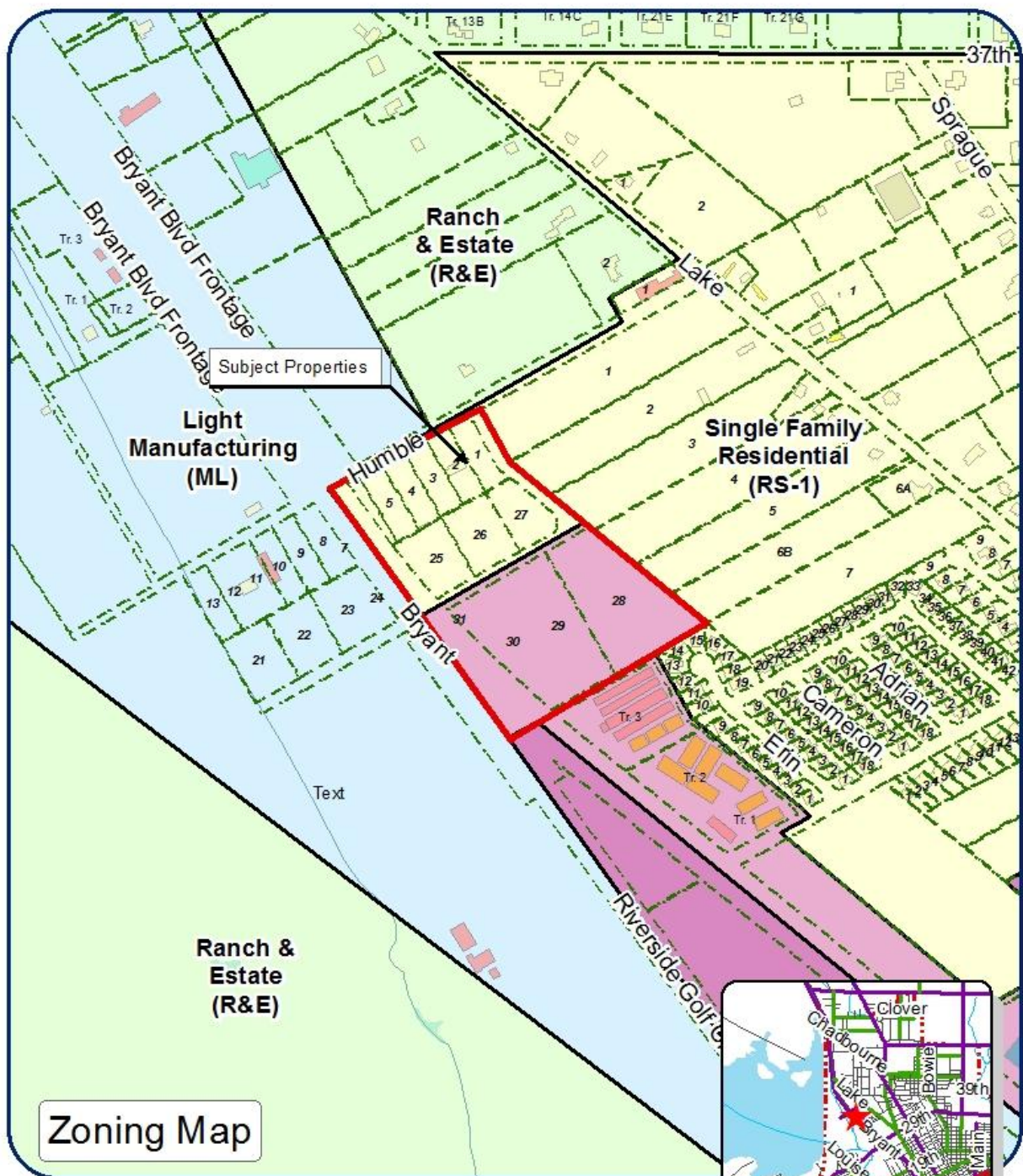
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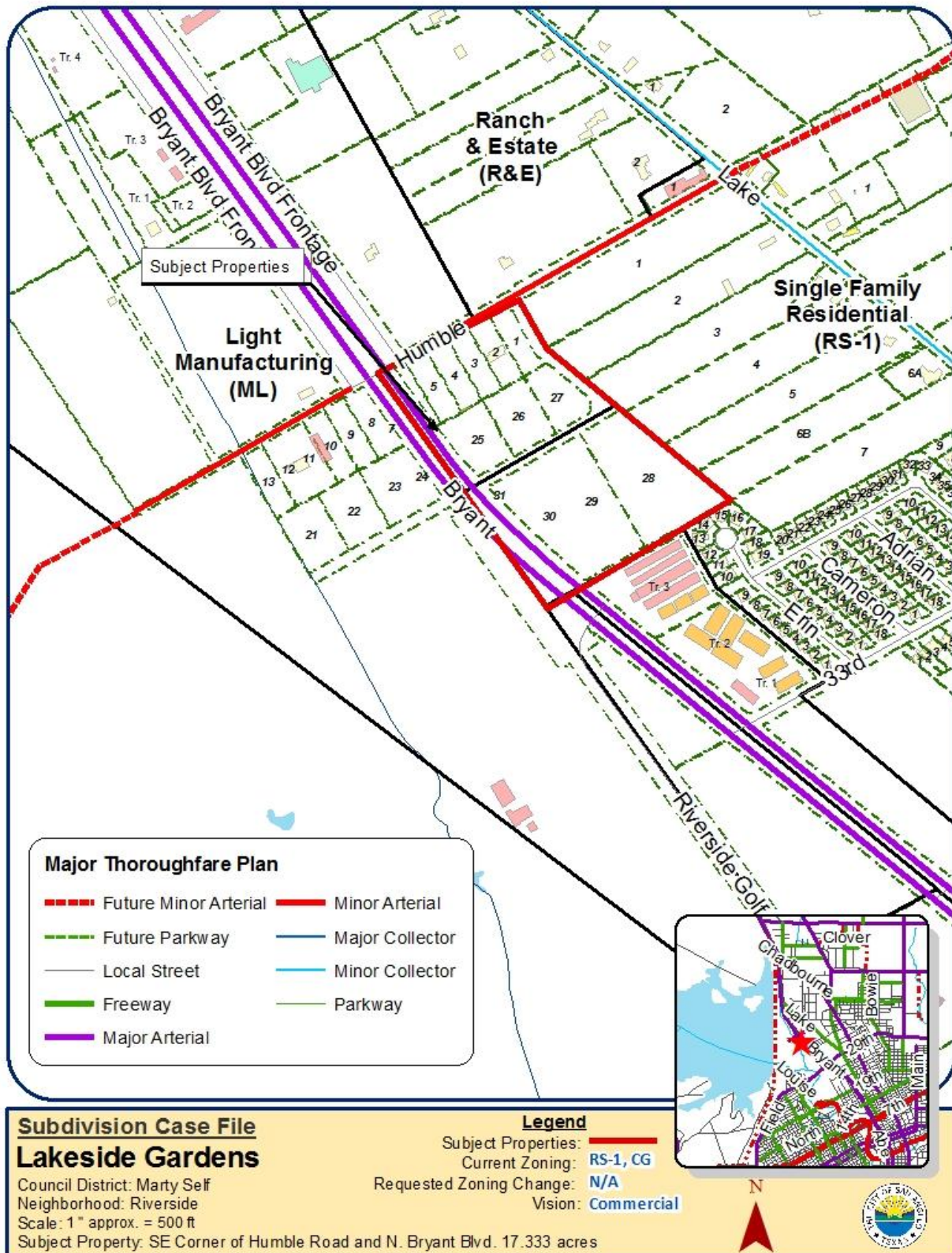
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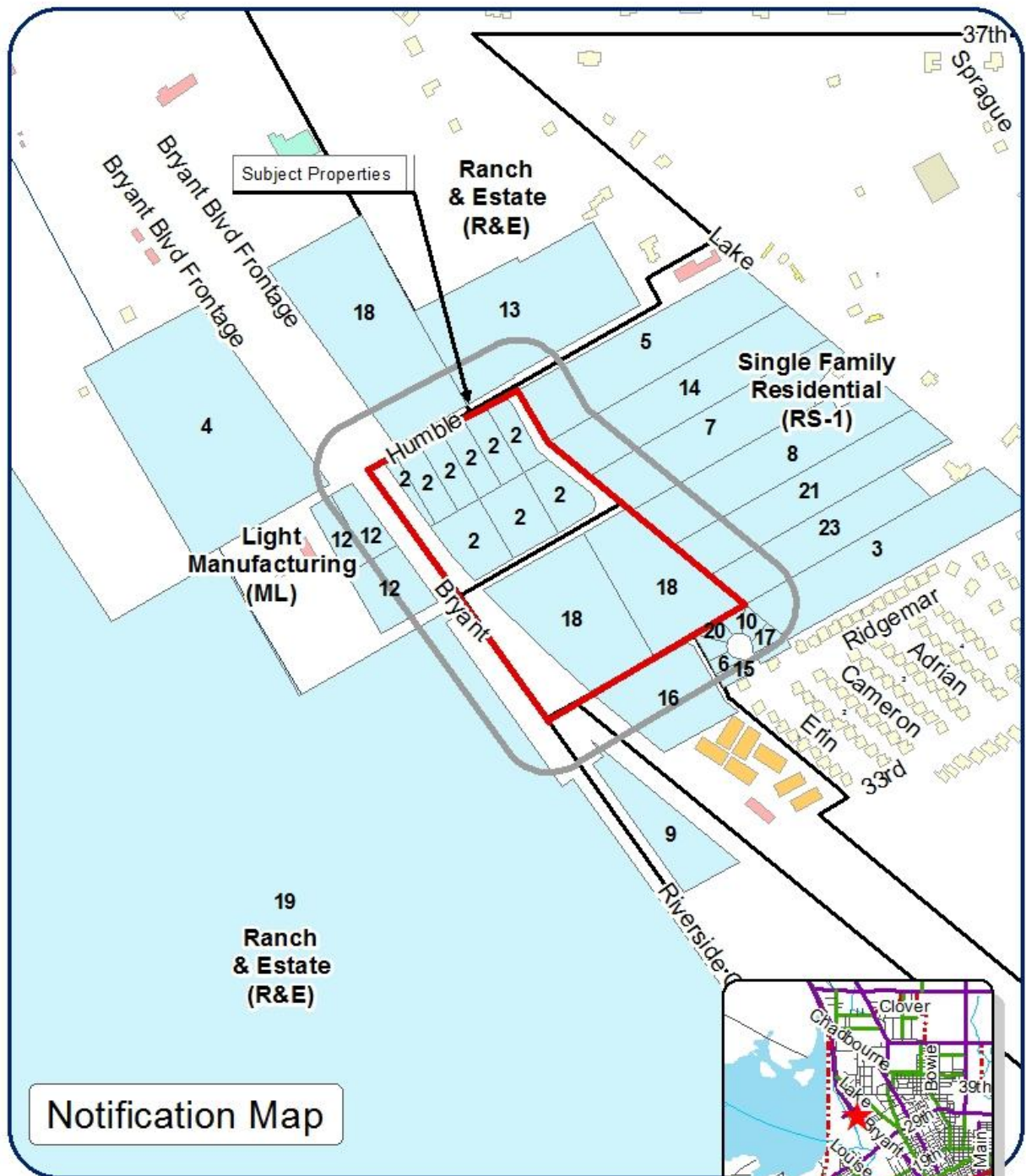
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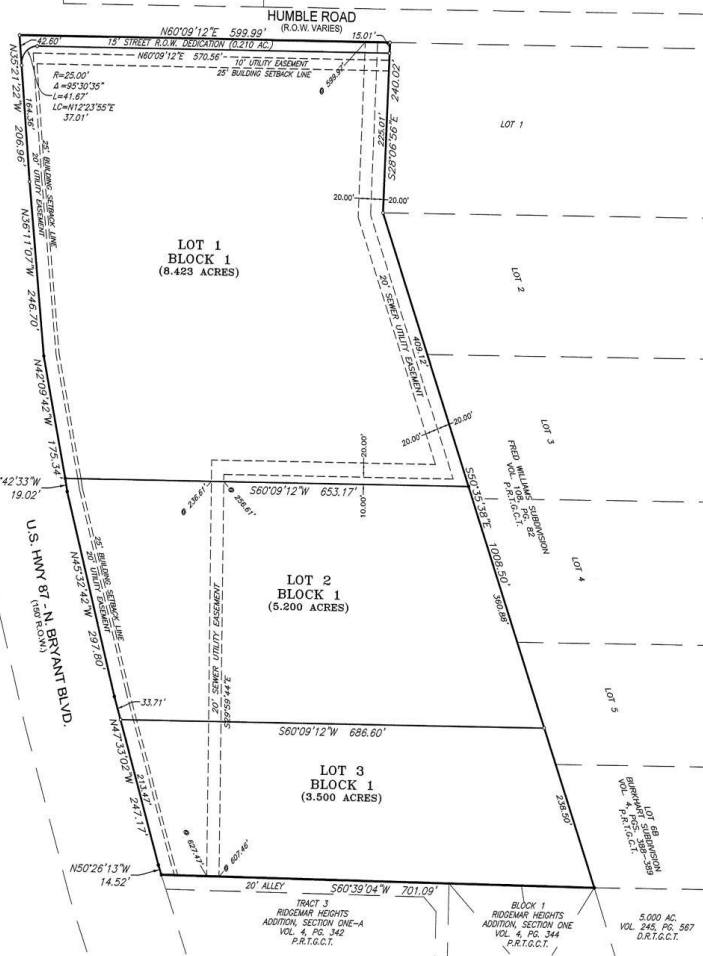
SCALE: 1"= 100'

GRAPHIC SCALE: FEET

NOTE: Bearings shown hereon are based on the Texas Coordinate System - Central Zone. Distances shown are surface horizontal.

LEGEND:

- Found 1/2" Iron Pipe or Rod (unless otherwise noted)
- Set 1/2" Iron Rod with Cap
- D.T.G.C.T. Deed Records of Tom Green County, Texas
- P.T.G.C.T. Plat Records of Tom Green County, Texas



PLANNING COMMISSION
Approved for recording this _____ day
of _____, 20____, City Planning
Commission of San Angelo, Texas.
By: _____
Secretary

DEPARTMENT OF WATER UTILITIES
Approved for recording this _____ day
of _____, 20____.
By: _____
Director of Water Utilities

DEPARTMENT OF PUBLIC WORKS
Approved for recording this _____ day
of _____, 20____.
By: _____
Director of Public Works

COUNTY CLERK
Filed for record this _____ day of
_____, 20____.
County Clerk of Tom Green Co., Tx.
By: _____

This Plat is Filed in Cabinet _____, Slide _____
Plat Records of Tom Green County, Texas.

SKG
ENGINEERING, LLC

SURVEYING • ENVIRONMENTAL • LAB/CMT

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FIRM No.: 10102400
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**SAS TEXAS PROPERTIES SUBDIVISION
SECTION ONE**

City of San Angelo, Tom Green County, Texas.

OWNER/DEVELOPER: Stafford Development, LLC
DESCRIPTION: Being 17.333 acres, being all of Lots 1, 2, 3, 4, 5, 26, 27, 28 and 29, that part of Lots 4, 24, 25, 30 and 31, and that part of Crest Street east of the lot acquired by the State of Texas, et al in condemnation suit described in judgment recorded in Volume 501, Page 225, Deed Records of Tom Green County, Texas, and in Block 1, Lakeside Gardens, City of San Angelo, Tom Green County, Texas, according to the map and/or plat recorded in Volume 1, Page 303, Plat Records of Tom Green County, Texas.

ACKNOWLEDGEMENT/DEDICATION

We, Stafford Development, LLC, do hereby adopt this plat as the subdivision of our property and dedicate for the use of the easements shown hereon.

Joe Stafford
Managing Partner

STATE OF TEXAS

COUNTY OF TOM GREEN

This instrument was acknowledged before me on _____

by Joe Stafford in the capacity shown.

Notary Public, State of Texas

Preliminary, this document
shall not be recorded for any
purpose and shall not be used
or varied or relied upon as a
final survey document.

SURVEYOR'S CERTIFICATE

Know all men by these presents that I, Russell T. Guly RPLS, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that corner monuments shown hereon were properly placed, under my supervision, in accordance with the rules for land subdivision by the City Council of the City of San Angelo and I further certify that the tract of land herein plotted lies within the city limits of the City of San Angelo, Texas.

14-5-1358